

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

NORTH AMERICAN BUTTERFLY  
ASSOCIATION d/b/d THE  
NATIONAL BUTTERFLY CENTER,  
AND MARIANNA TREVINO  
*Plaintiffs*  
VS.  
NEUHAUS & SONS, LLC, BRIAN  
KOLFAGE, AND WE BUILD THE  
WALL INC. et al  
*Defendants*

CASE NO. 7:19-cv-00411

**FISHER and NEUHAS DEFENDANTS'  
RESPONSE TO PLAINTIFFS'  
MOTION FOR LEAVE TO FILE THIRD AMENDED COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW FISHER INDUSTRIES, FISHER SAND AND GRAVEL CO., and  
**NEUHAUS & SONS, LLC**, Defendants herein and file this their joint response to Plaintiffs'  
Motion for Leave to file a Third Amended Complaint and would respectfully respond as  
follows:

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These Defendants do not agree with the allegations contained within Plaintiffs' Third Amended Complaint, but are not opposed to Plaintiffs' Motion for leave to file its

Third Amended Complaint. Defendants would like an opportunity to respond to the allegations contained in the Third Amended Complaint and request that the Court set a date for Defendants' responses to Plaintiffs' Third Amended Complaint.

Respectfully submitted,

/s/ Mark J. Courtois  
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SAND AND GRAVEL CO.

/s/ Lance Kirby\*  
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Attorney in Charge for Defendant  
NEUHAUS & SONS, LLC  
\*Signed by permission by MJC

**CERTIFICATE OF SERVICE**

I, MARK J. COURTOIS, hereby certify that a true and correct copy of the foregoing instrument has been forwarded to all known Filing Users AND has been accomplished by Notice of Electronic Filing pursuant to Local Administrative Procedure 9(a) on this, the 17<sup>th</sup> day of September, 2020.

*/s/ Mark J. Courtois*  
MARK J. COURTOIS